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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

JAMES E. BRYANT,
CDCR #C-48302,

Plaintiff,

vs.

M. BAIREs, Correctional Lieutenant,

Defendant.

Civil No. 08-1165 MJL (PCL)

**ORDER DENYING PLAINTIFF’S
MOTION FOR
RECONSIDERATION**

[Doc. No. 44]

**I. Plaintiff’s Motion for Reconsideration
A. Standard of Review**

The Federal Rules of Civil Procedure do not expressly provide for motions for reconsideration. However, Local Rule 78-230(k) does provide for applications for reconsideration. See E.D. Cal. CIVLR 78-230(k). A motion for reconsideration must include, in part, “what new or different facts or circumstances are claimed to exist which did not exist or were not shown upon such prior motion, or what other grounds exist for the motion.” *Id.*

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B. Discussion

Here, Plaintiff seeks reconsideration of the Court’s March 3, 2010 Order in which the Court modified the briefing schedule regarding Defendants’ Cross-Motion for Summary Judgment. Specifically, Plaintiff argues that the Court violated Local Rule 78-230(e) which provides for counter motions when the Court granted Defendants an extension of time to file their Cross-Motion for Summary Judgment. *See* Pl.’s Mot. at 1-2. In this case, Defendants asked for additional time to file their cross motion for summary judgment light of the fact that discovery had not been completed. It is well within the Court’s discretion to permit a party an extension of time when good cause has been shown and such a ruling is appropriate pursuant to FED.R.CIV.P. 56(f).

Accordingly, the Court finds that Plaintiff has provided no newly discovered evidence, has failed to show clear error or that the Court rendered a manifestly unjust decision, and has further failed to identify any intervening changes in controlling law that would demand reconsideration of the Court’s Order. *School Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).

II. Conclusion and Order

The Court **DENIES** Plaintiff’s Motion for Reconsideration [Doc. No. 44].

IT IS SO ORDERED.

DATED: March 29, 2010



M. James Lorenz
United States District Court Judge